

EXHIBIT CC

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

1:16-cv-03088-ELR

HALEY LIVINGSTON

January 30, 2023



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1 THE VIDEOGRAPHER: Going off video record
2 10:41 a.m.

3 (Recess.)

4 THE VIDEOGRAPHER: We are now back on video
5 record 10:54 a.m.

6 THE WITNESS: I wanted to clarify something.

7 BY MS. ADAMS:

8 Q. Sure.

9 A. When we were talking about my role and we
10 were -- you had asked about policies and procedures, I
11 think that I probably just used that interchangeably
12 when I shouldn't.

13 But like only the Board of Control and the
14 board office -- board members can change policy. So I
15 didn't want to give the impression that I'm changing
16 any kind of policies. I just change procedures within
17 my building when I was speaking on that earlier.

18 So just anything that needs to be changed in
19 the way we do things in my building. So I guess that's
20 more a procedure-type thing than policy, and I wanted
21 to clarify that.

22 Q. Thank you.

23 A. Thank you.

24 Q. What is the Board of Control?

25 A. It is a group of superintendents. It's the OK

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1 RESA Board of Control, and it's made up of the area's
2 eight counties -- well, actually, I'm sorry, nine
3 counties, superintendents, and the RESA director.

4 And so anything that pertains to the Harrell
5 Learning Center like hiring, any normal things that
6 need to have board approval, that's my board. They
7 approve everything.

8 Q. So if you think a certain policy should be
9 changed or if there's anything that might require that
10 Board of Control's approval, do you have a process for
11 how you communicate with them about that?

12 A. Yes, ma'am. I submit like a recommendation.
13 Normally, it's mostly hires, like staff hiring. So I
14 submit a recommendation form directly to the director,
15 RESA director, and then he presents it at the next
16 board meeting.

17 Q. How often are the board meetings?

18 A. Monthly, I believe.

19 Q. You mentioned that the main reason that you
20 will communicate with the board through a
21 recommendation form is around staff hiring.

22 Are there any other reasons that you might
23 communicate with them about certain recommendations?

24 A. Not that I can think of right now.

25 Q. Okay. Going back to the topic that we were

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1 this, this, this, and this. I mean, there's checks and
2 balances, yes. But he doesn't have to do that because
3 I stay on top of my stuff.

4 Q. Sorry. The person you're referring to as "he"
5 is Dr. Jacobs?

6 A. Yes, ma'am.

7 Q. Do GADOE staff ever visit Harrell?

8 A. We have had -- I believe they were related in
9 the PBIS department. But I would say no, not --
10 especially, not recently have I had anyone from GADOE
11 visit, no.

12 MS. ADAMS: I ask that the court reporter mark
13 this next document as Plaintiff's Exhibit 764.

14 (Plaintiff Exhibit 764 marked.)

15 BY MS. ADAMS:

16 Q. You have been handed Exhibit 764. This is a
17 copy of an email thread dated October 30, 2019. The
18 most recent email was sent by you to Vickie Cleveland
19 and Lakesha Stevenson.

20 The bottom right-hand corner of the first page
21 of the document is marked GA00355023, and the email
22 subject reads Re Canceled Harrell Visit. You can
23 review the document and let me know when you are ready.

24 (Witness reviewing document.)

25 THE WITNESS: Okay.

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1 BY MS. ADAMS:

2 Q. Do you recognize this email thread?

3 A. Yes. I believe this was -- well, let me look
4 at the month. The only -- the time that they come is
5 when we are doing our strategic plan review. And I
6 don't remember the year, and I honestly don't remember
7 that it would be -- or don't think that it would be in
8 October.

9 But the only visit I ever remember having
10 Vickie come was for the strategic plan review at the
11 end of the year when we review our documentation for
12 the strat review. I just can't remember any of the
13 details. I can't remember the details, I'm sorry.

14 Q. When you say "strat," you're talking about
15 strategic plan?

16 A. Yes, ma'am.

17 Q. What is the strategic plan review?

18 A. There are -- each GNETS has to submit a
19 strategic plan or has to submit strategic plan
20 information, like whether they've taken care of each
21 area, almost like an improvement plan for school
22 systems, I would think that I would compare it to.

23 But it's got areas that, you know, it's got
24 instructional, behavioral, and there's sections that
25 you have to make sure you take care of, you know, like

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1 are you doing the certain behavioral assessments. Are
2 you looking at, like, instruction. How are you
3 supporting your teachers, kind of thing. It's almost
4 like a place to put in evidence that you're doing what
5 you're supposed to be doing.

6 And we used to do those on paper in notebooks
7 and things. And so they would come and sit down with
8 you, and you present all of your -- basically proof is
9 how I try to say it -- proof that we've been doing what
10 we need to do for these kids.

11 And that's the only thing I can think of that
12 they would have been talking about coming for.

13 Q. Who was Vickie Cleveland?

14 A. She is the -- I feel like she's the lead
15 director of the special ed -- I mean, I'm sorry -- lead
16 director of the GNETS division at GADOE. And then I
17 believe Lakesha is her assistant or partner or
18 assistant director maybe. I'm not sure if that's the
19 correct title.

20 But she's the main person that is my first
21 point of contact at GADOE about anything at GNETS.

22 Q. What is your understanding of Ms. Cleveland's
23 job responsibilities?

24 A. With regard to GNETS, just being the point of
25 contact and basically like facilitator. And then they

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1 evaluation?

2 A. Not that I'm aware of.

3 Q. Do you have any working relationship with the
4 GADOE?

5 MR. NGUYEN: Object to the form. You may
6 answer the question.

7 THE WITNESS: I'm not sure what you mean by
8 working relationship.

9 BY MS. ADAMS:

10 Q. We talked about Ms. Cleveland and
11 Ms. Stevenson. How would you define your relationship
12 with them?

13 A. Professional. I mean, I feel comfortable
14 reaching out to them and that's all. I mean, I feel
15 comfortable reaching out to them, and they've been
16 helpful, you know, open to hearing my communication. I
17 mean, that's all. I don't -- I think that's it.

18 Q. We've talked about the OK RESA a bit. Can you
19 tell me what the RESA's responsibility is as it
20 pertains to Harrell GNETS?

21 A. It's our fiscal agent.

22 Q. What does that mean?

23 A. The funding that we receive from Georgia and
24 from the federal -- our Georgia and federal funds come
25 through them.

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1 I'm trying to think. They'll bring in different --
2 like, they brought in someone before about the TKES
3 platform, I mean, almost like going through training to
4 make sure new directors knew about this.

5 And then they brought in an i-Ready special --
6 I don't know if that's the correct title but an i-Ready
7 specialist to go over things because we already use the
8 i-Ready platform.

9 So they brought in someone like that to go
10 over, you know, how to work the program, what reports
11 you should do, and things like that. So support,
12 instruction and behavioral support, is discussed and
13 planned.

14 Q. Who manages the GNETS directors' meetings?

15 A. It's usually led by Vickie and Lakesha. We
16 have a -- I can't remember if it changes by year, but
17 there's like a lead GNETS director, and then they
18 coordinate some things, too, like some of the
19 professional learning.

20 So they're involved. Whoever that person is
21 for the year is involved with probably -- in some of
22 the leading of the meetings or whatever.

23 Q. Have you ever served in that role?

24 A. No.

25 Q. You mentioned that these meetings often

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1 involve discussion of the strategic plan. Who manages
2 the strategic plan process?

3 A. Well, I believe it's us, all the GNETS
4 directors, and then we submit our strategic plan
5 through the GADOE portal.

6 Q. Does anyone at GADOE review those plans?

7 A. Yes, Vickie and Lakesha review. I'm not sure
8 who else reviews, but they do along with whoever else,
9 and then they get back with us like if we have needs or
10 areas if there's something like -- like, I know if
11 there's something that's not submitted for an area that
12 they'll get back to me on that.

13 I had something that would not -- I guess the
14 file was corrupt or something, like she couldn't pull
15 it up. Then they'll communicate back with me about
16 that, like, hey, I didn't get your such and such. We
17 can't see it kind of thing. Stuff like that.

18 Q. Are you familiar with the GNETS directors'
19 executive committee?

20 A. I'm unsure. I know I've heard that before,
21 but I'm not sure who it is or what they do.

22 Q. How often are the GNETS directors' meetings?

23 A. They're not monthly. I know that. But
24 they're -- I think it would be safe to say maybe
25 quarterly, maybe.

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1 Q. So, for example, if a student went home early
2 from school because of an emotional crisis on, say
3 today, the Harrell staff would note that in the contact
4 log, but the county would assume that that student was
5 present for the full school day?

6 A. No. In that case if they left early, they're
7 either going to be considered absent or left early.
8 But present, we would let them know. We let the
9 counties know that. We do let them know that.

10 Q. Okay. But it's not through the official
11 attendance record that you have it. It's some other
12 way?

13 A. Well, we still email it, but I was just saying
14 that it's not in our attendance program that they --
15 which they don't log into that either. That's why we
16 have to email. It's like a separate student
17 information system just for our school.

18 So we don't necessarily put it in that every
19 time because of its own glitches but we report it out,
20 yes, because it would change their attendance. Like,
21 if they left before 11:00, they would technically be
22 absent, but we want them to know why so there's a
23 record.

24 Q. Do your attendance rates affect funding that
25 you receive in any way?

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1 A. I don't think so.

2 Q. Are students ever asked to stay home or are
3 students ever sent home due to lack of staff?

4 A. Never until COVID. We did send students -- I
5 can't remember -- I don't think they made it. So I
6 think we basically said -- like, our whole hospital
7 team had COVID one time. So we had to say that we
8 would -- that those students would not be
9 transitioned -- not transition -- transported and that
10 we would provide, you know, work or online work.

11 Because we had it set up where with all that
12 going on, we had it set up where they were receiving
13 instruction even when they were not on campus because
14 we didn't want them to lose.

15 But that's been the only time because we have
16 substitutes. I mean, they're far and few between, but
17 we have substitutes that come in or we have staff we
18 can kind of move around to compensate so that
19 instruction continues.

20 MS. ADAMS: Okay. We can go off the record.

21 THE VIDEOGRAPHER: Going off video record at
22 2:38 p.m.

23 (Recess.)

24 THE VIDEOGRAPHER: We are now back on video
25 record 2:49 p.m.

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1 suicidal-type thing. Because you can say threats and
2 things like that but to yourself. Anyway, sorry, I ran
3 around the block on that one.

4 Q. When was the last time that that kind of
5 situation happened?

6 A. When they were meeting their goals and then
7 still had that?

8 Q. (Nodding head.)

9 A. Well, I think we had a situation last year
10 where the student, he was actually transitioning and --
11 no, it was not that, meaning 2022. We were going to
12 transition him. He had two classes at the high school.
13 We were going to transition him full time. Like, he
14 was great, he's smart, he's been showing much -- I
15 mean, very much improvement, being responsible.

16 And he had something traumatic happen with his
17 mom going into the hospital, and we ended up having to
18 back off because he said I'm not doing it. Like, he
19 was going to go all the way back. And he's, like, I'm
20 not going to high school.

21 I'm, like, yes, you've got to. You cannot go
22 backwards kind of thing. Okay. So that was the
23 situation where we backed off of that because
24 everything looked great. But he sabotaged himself,
25 basically, self-sabotage.

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1 or not, but I don't.

2 Q. Do you submit an annual budget with your grant
3 application?

4 A. She does. I don't.

5 Q. Do you provide any information or
6 documentation so that that annual budget can be
7 submitted?

8 A. I send -- all this information that goes into
9 the grant app is the extent to what I send to GADOE.
10 And then I just help her with the staffing pattern just
11 where they're assigned, what they're doing, the
12 teachers and staff. But other than that, no, I don't
13 have anything else to do with the budget.

14 Q. Once your grant application has been approved,
15 does anyone tell you how the state funds can be used?

16 A. No, not me.

17 Q. How do you know if there are any limitations
18 on how the state funds can be used?

19 A. I communicate with Iris.

20 Q. Who tells Iris how the funds can be used?

21 A. I don't know.

22 Q. What kinds of expenses are covered by the
23 GNETS state grant?

24 A. I'm not sure. Well, actually, I know -- I
25 believe salaries. I think I know that part, but other

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1 than that, I don't know.

2 MS. ADAMS: I'm going to ask the court
3 reporter to mark this next document Plaintiff's Exhibit
4 771.

5 (Plaintiff Exhibit 771 marked.)

6 BY MS. ADAMS:

7 Q. You have been handed Plaintiff's Exhibit 771.
8 This is a copy of an email thread with the subject Re
9 Forward GNETS Webinar Link. The first page has been
10 marked GA00318852. You can take a moment to review and
11 let me know when you're finished.

12 (Witness reviewing document.)

13 THE WITNESS: Okay.

14 BY MS. ADAMS:

15 Q. Do you recognize this email thread?

16 A. Uh-huh.

17 Q. Am I correct that in Ms. Cleveland's email
18 dated April 2, 2018, she states, "See the link below to
19 register for this webinar regarding allowable use of
20 GNETS funds. We've had a few questions come up and I
21 think this webinar will be helpful for all."

22 Do you see that?

23 A. Yes.

24 Q. Thank you. In your response on April 9, 2018,
25 you responded to ask Ms. Cleveland if the session was

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1 GACE or they can have 60 course hours, basically an
2 associate's or you have to take a paraprofessional
3 GACE.

4 Q. And GACE is?

5 A. It's the state -- oh, gosh I can't remember
6 what it's -- it's what educators have to take. Like, I
7 would have to take a special ed GACE or a Gen Ed GACE
8 to be certified. I can't remember what the letters
9 stand for, but I think it's like the title or the
10 assessment title.

11 Q. For the current school year, do you have any
12 paraprofessionals who are not fully certified or
13 qualified?

14 A. No.

15 Q. For the 2022 fiscal year, did you have any
16 paraprofessionals who weren't properly certified?

17 A. No.

18 Q. Are there any staff employed at Harrell
19 currently who are not qualified or certified to serve
20 in their roles?

21 A. No.

22 MS. ADAMS: I'm going to ask the court
23 reporter to mark this next document as Plaintiff's
24 Exhibit 777. You have been handed Plaintiff's Exhibit
25 777.

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1 (Plaintiff Exhibit 777 marked.)

2 BY MS. ADAMS:

3 Q. This is a copy of an email thread with the
4 subject Re GNETS Calendar and SDQ Data. The first page
5 is stamped GA00790800. Please review and let me know
6 when you're finished.

7 (Witness reviewing document.)

8 THE WITNESS: I'm ready.

9 BY MS. ADAMS:

10 Q. Do you recognize this email thread?

11 A. Yes.

12 Q. Who is Nakeba Rahming?

13 A. She was the state director or the GNETS State
14 Director before Vickie.

15 Q. Okay. Am I correct that on July 20, 2017,
16 Nakeba Rahming emailed you and the other GNETS
17 directors stating that she was going to finalize
18 guidance and procedures for professional qualifications
19 as it relates to GNETS?

20 A. Yes.

21 Q. She asked you to email her any questions or
22 concerns, correct?

23 A. Yes.

24 Q. Am I correct that on July 21, 2017, you
25 responded to Ms. Rahming asking, "Does our PE teacher

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1 have to be a certified (maybe retired) teacher, or
2 could we have what we've had, a personal trainer? If
3 so, what qualifications does the personal trainer have
4 to have?"

5 Is that correct?

6 A. Yes.

7 Q. Why did you ask if Harrell's PE teacher had to
8 be certified?

9 A. Because when I came on, that was my first year
10 or starting my first year as director. My first year
11 there they did not have a PE teacher, and I thought it
12 was important for them to have a PE teacher.

13 And so what we had was somebody who was I
14 guess a certified -- what I thought was a certified
15 personal trainer, and he would do, you know, like
16 workout stuff with them.

17 But I thought that it needed to be a teacher.
18 So that's why I asked her that, and we were looking for
19 one. And so when I asked Dr. Jacobs about it, he said
20 we would have to ask her, you know, what it would have
21 to be because it was his first time kind of interacting
22 with or being involved with GNETS.

23 So it was just basically us finding out what
24 our roles are. And, of course, now that's a stupid
25 question because they have to be a certified teacher

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1 and we've had one, sorry.

2 But, yeah, that was just trying to find out if
3 what has been going on is appropriate or do we need to
4 change because I was feeling like I wanted to change.

5 Q. Okay. I'm going to ask the court reporter to
6 mark this next document as Plaintiff's Exhibit 778.

7 (Plaintiff Exhibit 778 marked.)

8 BY MS. ADAMS:

9 Q. You have been handed Plaintiff's Exhibit 778.
10 This is a copy of an email thread with the subject Re
11 LCSW Grant. The bottom of the first page is stamped
12 GA00347755. Please take a moment to review and let me
13 know when you're finished.

14 (Witness reviewing document.)

15 THE WITNESS: Okay.

16 BY MS. ADAMS:

17 Q. Earlier we were talking about you emailing
18 Ms. Rahming to understand whether your PE teacher had
19 to have a certain kind of certification.

20 And you were talking about how it was kind of
21 early on in your time as director, and you were talking
22 to your boss and you were both trying to figure things
23 out. And I believe you were saying something about how
24 you wanted to make sure you understood what the rules
25 were around certification and various staff.

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1 So when you mentioned you were trying to get a
2 sense of what the rules were, what do you mean by that
3 in terms of rules?

4 A. Certification. Back then I didn't understand
5 certification so I didn't -- I mean, to be quite
6 honest, I didn't even have my head wrapped around,
7 like, our SPED teachers had to have content area and
8 SPED to be qualified, highly qualified or
9 professionally qualified. I don't know which one is
10 the right word now.

11 Anyway, so that was what that was about. And
12 now as I have had years, I understand all that now, but
13 that was early on. I wasn't sure if that was okay, you
14 know, for him to be the personal trainer to be doing it
15 and us calling it PE. That didn't feel right to me.

16 Q. Thank you. And you found it helpful to seek
17 clarification from GADOE --

18 A. Yes.

19 Q. -- to help you understand what the rules
20 were?

21 A. Yes.

22 Q. Okay. On this email thread there are emails
23 between you and Ms. Cleveland, correct?

24 A. Yes.

25 Q. Do you recognize this email thread?

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1 A. Yes.

2 Q. Am I correct that on June 11, 2019, you
3 emailed Ms. Cleveland stating, "I am really looking for
4 a way to make my person qualify for the LCSW position.
5 He is great, and we were hoping we could maybe read the
6 grant and find a way for him to be the one we can
7 hire." Is that right?

8 A. Yes.

9 Q. You continue in the email and say, "A loophole
10 maybe. What do you think? Are there specific services
11 this person will provide? LCSW versus LPC, is it more
12 for social work type things or counseling students?"

13 Is that correct?

14 A. Yes.

15 Q. Later in the email you asked, "Is this grant
16 coming from DOE SPED department?" Correct?

17 A. Yes.

18 Q. Am I correct that Ms. Cleveland responded
19 stating, "The focus of the work is for therapeutic and
20 counseling supports. The grant is awarded from GADOE.
21 I have confirmed the scope of work with staff rehab.
22 The candidate would have to have LCSW or MSW
23 certification." Correct?

24 A. Yes.

25 Q. What was the LCSW position you were

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1 referencing?

2 A. It's Licensed Clinical Social Worker. And we
3 had someone in mind who actually is working with our
4 students now who has -- oh, gosh, what is an LPC?
5 Licensed -- I can't remember right now what LPC stands
6 for. But he's -- what do you call it -- like a higher,
7 I don't know, more highly qualified person I think, or
8 a higher qualified person than LCSW.

9 But, anyway, I didn't understand all the
10 acronyms and who was okay for what. And it was for the
11 therapeutic grant, and the therapeutic grant had
12 specific criteria that you had to work with.

13 So she was telling me that she had gotten with
14 staff rehab, which is -- I believe is more of like a
15 substitute -- or not a substitute -- like a hiring
16 platform or company that she put out the criteria for,
17 and it helped us find someone.

18 And so we ended up going with that person
19 instead, a social worker instead of the LPC. So that
20 was basically her clarifying that. I don't remember if
21 she emailed back about it anymore or if we just talked.
22 We got it worked out.

23 Q. Okay. You said that there's an individual who
24 you referenced in this email saying "He is great.
25 We're really hoping he can be the one we hire."